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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,505	05/02/2005	Josephus Arnoldus Henricus Kahlman	NL 021134	4342
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EXAMINER				
SHEN, KEZHEN				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/533,505

Applicant(s)KAHLMAN, JOSEPHUS
ARNOLDUS HENRICUS**Examiner**

Kexhen Shen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/25/2008 have been fully considered but they are not persuasive.

Regarding claim 1-8, applicant argues the amendment to claim 1 will overcome the prior art as cited, however the Examiner disagrees. Although the applicant amended claim 1 to read to only consists of the specific bit sequence of 100 101 or 010 101, the reference still reads on the limitation claimed with the bit sequences. Further, it would have been obvious to one of ordinary skill in the art that the list of possible bit sequences is well known and covers the metes and bounds of specific bit sequences. The previous office action is reiterated for the applicant's convenience.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Jung et al. US 2004/0109400 A1.

Regarding claim 1, Jung et al. teach a record carrier (1000 of Fig. 4, [0040]) comprising synchronization patterns for identifying blocks of information, said

synchronization patterns comprising a part for distinguishing one such synchronization pattern from another such synchronization pattern, characterized in that the part for distinguishing the synchronization patterns consists only of the bit sequence 100 101 or of the bit sequence 010 101 ([0030], Table 1 Sync No. 6 and 9).

Regarding claim 2, Jung et al. teach a record carrier according to claim 1, characterized in that the synchronization pattern comprising a part for distinguishing the synchronization patterns consisting only of the bit sequence 100 101 or of the bit sequence 010 101, is directly followed by a bit sequence not violating the Repeated Minimum Transition Runlength constraint ([0030] the RLL(1,7) prevents the violation of the Repeated Minimum Transition Runlength constraint).

Regarding claim 3, Jung et al. teach a record carrier according to claim 2, characterized in that the synchronization pattern comprising a part for distinguishing the synchronization patterns consisting only of the bit sequence 100 101 or of the bit sequence 010 101, is directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11 ([0030] the RLL(1,7) would not allow the violation of the Repeated Minimum Transition Runlength and not allow the data bit sequence of 01110111 as it would cause a violation of the constraints)

Regarding claim 4, Jung et al. teach a record carrier comprising synchronization patterns for identifying blocks of information, said synchronization patterns comprising a part for distinguishing one such synchronization pattern from another such synchronization pattern, characterized in that the part for distinguishing the

synchronization patterns consists only of the bit sequence 101 001, or the bit sequence 010 100, or the bit sequence 100 100 ([0030] Table 1 Sync No. 10).

Regarding claim 5, the limitations have been analyzed and rejected with the reasons given as set forth in claim 1 above.

Regarding claim 6, the limitations have been analyzed and rejected with the reasons given as set forth in claim 4 above.

Regarding claim 7, the limitations have been analyzed and rejected with the reasons given as set forth in claim 1 above.

Regarding claim 8, the limitations have been analyzed and rejected with the reasons given as set forth in claim 4 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/
Examiner, Art Unit 2627

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627